

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

TUESDAY, THE 9TH JANUARY 2007 / 19TH PAUSHA 1928

WP(C).No. 28999 of 2006(B)

OA.311/2001 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
.....

PETITIONER:

K. SAROJINI AMMA,
W/O. CHANDRASEKHARAN NAIR, AGED 73, RESIDING AT
'SAROJA BHAVAN', VALIYAVILA, THIRUMALA P.O.,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.V.BALAKRISHNA IYER (SR.)
SRI.R.SURAJ KUMAR

RESPONDENTS:

1. THE MANAGING DIRECTOR,
CANARA BANK, HEAD OFFICE, BANGALORE.
2. THE GENERAL MANAGER,
CIRCLE OFFICE, CANARA BANK, THIRUVANANTHAPURAM.
3. THE BRANCH MANAGER,
CANARA BANK, ANCHAMADA, VATTIYOORKAVU,
THIRUVANANTHAPURAM.
4. C. VIJAYA KUMAR,
S/O. LATE CHANDRASEKHARAN NAIR, T.C.NO.8/1403,
VALIYAVILA, THIRUVANANTHAPURAM.
5. P. UMA, W/O. C.VIJAYA KUMAR,
T.C.NO.8/1403, VALIYAVILA, THIRUVANANTHAPURAM.

R1 TO R3 BY ADV. SRI.V.B.HARI NARAYANAN
SMT.M.J.RAJASREE

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 09/01/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

I.A.NO.195/2007 IN W.P.(C).NO.28999/2006

DISMISSED

9/1/2007

Sd/- P.R.RAMAN, JUDGE.

APPENDIX

PETITIONER'S EXTS:

- EXT.P1 CERTIFIED/TRUE COPY OF THE FINAL ORDER PASSED BY THE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM (KERALA AND LAKSHADWEEP IN O.A.NO.311/2006 DTD. 7/3/2006.
- EXT.P2 CERTIFIED/TRUE COPY OF THE ORDER PASSED BY THE HON'BLE DEBTS RECOVERY TRIBUNAL, ERNAKULAM (KERALA AND LAKSHADWEEP) IN I.A.NO.599/2006 IN O.A.NO.311/2006 DTD. 28/7/2006.
- EXT.P3 TRUE COPY OF THE NOTICE OF DEMAND ISSUED BY THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM (KERALA ND LAKSHADWEEP) BEARING DRC.NO.2307/CB/TVM DTD. 3/5/2006.
- EXT.P4 TRUE COPY OF THE NOTICE FOR SETTLING SALE PROCLAMATION ISSUED BY THE DEBTS RECOVERY TRIBUNAL, ERNAKULAM BEARING DRC.NO,.2307/CB/TVM DTD. 19/9/2006.
- EXT.P5 TRUE COPY OF THE REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND AND 3RD RESPONDENT BANK DTD. 25/9/2006.
- EXT.P6 TRUE COPY OF THE CHEQUE LEAF FOR RS.90,000/- DTD.4/12/2006
- EXT.P7 TRUE COPY OF THE COVERING LETTER SENT BY THE PETITIONER DTD. 28/11/2006.

P.R.RAMAN, J.

W.P. (C) .NO.28999 OF 2006

Dated this the 9th day of January, 2007

JUDGMENT

The limited prayer made in this writ petition is for a direction to consider and dispose of the application for one time settlement (Ext.P5) submitted by the petitioner. The learned Standing Counsel for the Canara Bank submits that the application for one time settlement will be duly considered provided the petitioner pays 25% of the amount outstanding due, which according to the Standing Counsel is about 18 lakhs. However, the petitioner has paid an amount of Rs.90,000/- during the pendency of the writ petition.

2. Taking into consideration all these facts, there will be a direction that in

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case the petitioner pays an amount of Rs.4,00,000/- (Rupees four lakhs) within one month from today, Ext.P5 shall be considered and disposed of. Further proceedings in execution of the certificate of recovery will be kept in abeyance till then.

Writ Petition is disposed of as above.

**P . R . RAMAN ,
Judge .**

kcv.